



Texas Department on Aging

P.O. Box 12786, Capitol Station, Austin, Texas 78711 Phone 512-444-2727

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May 23, 1991

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Polly Sowell

Susan Garrison, Chairperson
Attorney General's Opinion Committee
P. O. Box 12548
Austin, Texas 78711

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Opinion Committee

Dear Ms. Garrison:

I am writing to request an Attorney General's opinion regarding the liability of grantees for area agency on aging volunteers participating in the state long-term care ombudsman program.

Each of 28 area agencies on aging operates an ombudsman program which uses specially trained and certified volunteers who visit long-term care facilities on a regular basis. The role of the volunteer is to be a resident advocate to receive, investigate, and resolve complaints by or on behalf of nursing home residents.

Grantees of the area agency on aging programs, usually councils of governments (COGs), have raised a question regarding their liability for acts or omissions of volunteers in performance of their duties. Specifically, the grantees wish to know if there is any liability on their part for the performance of the volunteer ombudsmen.

A corresponding question is, do volunteers who participate in the Long-Term Care Ombudsman Program share in the sovereign immunity protections that safeguard officials and employees of the state from liability.

Enclosed are excerpts from the Texas Department on Aging Enabling Statute, the Older Americans Act, and a copy of the current ombudsman standards.

Please let me know if we can provide any more information.

Thank you.

Sincerely,

Polly Sowell
Executive Director

**ACCOMPANIED BY ENCLOSURES —
FILED SEPARATELY**

PS/JFW/jy

Enclosures